

September 30, 2020

VIA ECF

Hon. Jesse M. Furman
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *In re Citibank August 11, 2020 Wire Transfers*, No. 1:20-cv-06539-JMF (S.D.N.Y.)

Dear Judge Furman:

We submit this letter on behalf of the parties jointly to present a proposed amended schedule for discovery, in response to this Court's request during the September 29, 2020 conference. Because the parties have not been able to agree upon a schedule, they put forth their respective positions below.

A. Defendants' Position

As the Court directed, Defendants are proposing a modified case schedule, which, while still expedited, is less condensed than the schedule now in place. Defendants respectfully submit that the below schedule would provide the parties with sufficient time to complete the additional discovery ordered by the Court, as well as expert and regulator discovery. In keeping with the Court's previous orders, moreover, Defendants' proposed schedule provides for the exchange of pre-trial submissions approximately two weeks before trial. Specifically, Defendants propose the following:

Deadline for Fact Discovery – October 23, 2020 (moved from October 9)
Deadline for Opening Expert Reports – October 27, 2020
Deadline for Rebuttal Report – November 2, 2020
Deadline for Reply Reports (if any) – November 6, 2020
Deadline for Completion of Expert Depositions – November 10, 2020
Deadline for Pre-trial Submissions – November 13, 2020 (moved from October 16)
Deadline for Reply Memoranda of Law – November 23, 2020 (moved from October 23)
Trial – December 9, 2020 (moved from November 9), subject to Court's availability

Citibank's proposed schedule, which calls for the same amount of time for fact discovery as Defendants' schedule, actually reduces the time between the subsequent milestones leading to trial. Indeed, Citibank's proposal, among other things, *reduces* the time available to the parties for expert discovery, and leaves the Court with only 6 days – in contrast to the two week period under the existing schedule – to review the complete pre-trial submissions. Defendants believe that their proposed schedule, which postpones trial by only four weeks, is more in keeping with this Court's suggestion, during the conference yesterday, that the parties should be afforded slightly more time between case milestones, not less.

Defendants respectfully request that the Court adopt their proposal.

B. Plaintiff's Position

Citibank proposes the following case schedule, which extends the trial date by ten days, with appropriate extensions of interim deadlines:

Deadline for Completion of Production of Control Documents – October 8, 2020

Deadline for Completion of Fact Depositions – October 23, 2020

Deadline for Experts' Direct Affidavits – October 26, 2020

Deadline for Experts' Rebuttal Affidavits – October 30, 2020

Deadline for Experts' Reply Affidavits (if necessary) – November 3, 2020

Deadline for Completion of Expert Depositions – November 6, 2020

Deadline for Pre-trial Submissions – November 8, 2020

Deadline for Reply Memoranda of Law – November 13, 2020

Trial – November 19, 2020 (subject to the Court's availability)

Citibank's proposal is reasonable and endeavors to maintain the existing framework while giving sufficient time for the parties to address the most recent Court orders – specifically by extending the fact deposition deadline by two weeks. The interim deadlines that follow are consistent with the defendants' proposal to have expert discovery completed before pre-trial submissions, and recognizes Citibank's strong interest in moving the case forward expeditiously. The schedule is compressed but manageable for the parties, who will have 11 days after opening pre-trial submissions to prepare for a straightforward 1-2 day trial. If this schedule is also acceptable to the Court given the Court's other competing obligations, we respectfully request the Court adopt Citibank's proposal.

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Respectfully submitted,

By: /s/ Robert Loigman
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